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Viewing cable 06BEIJING10603, HUMAN RIGHTS: AMBASSADOR URGES CHINA TO TAKE

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Reference ID	Created	Released	Classification	Origin
06BEIJING10603	2006-05-30 12:25	2011-08-30 01:44	CONFIDENTIAL	Embassy Beijing

Appears in these articles:

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C O N F I D E N T I A L SECTION 01 OF 03 BEIJING 010603
SIPDIS
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E.O. 12958: DECL: 05/30/2031
TAGS: [PHUM](#) [PREL](#) [CH](#)
SUBJECT: HUMAN RIGHTS: AMBASSADOR URGES CHINA TO TAKE
ACTION
REF: A. STATE 85623 (NOTAL)
[1](#)B. BEIJING 6855 (NOTAL)
BEIJING 00010603 001.2 OF 003

Classified By: Classified by Ambassador Clark T. Randt, Jr. Reasons
1.4 (b/d).

Summary

¶1. (C) The Ambassador used Ref A points to urge China to renew cooperation on human rights issues in a May 30 meeting with MFA International Organizations Director General Wu Hailong. DG Wu replied that China is ready to conduct exchanges on human rights on the basis of equality and mutual respect, but the United States' constant pressure regarding individual cases amounts to interference in China's internal affairs. DG Wu added that the United States should consider China's overall progress on human rights issues and recognize recent strides. Individual cases are being dealt with in accordance with rule of law. Frequent U.S. inquiries about these cases disrupt the judicial process and "create trouble" for the Foreign Ministry. The Ambassador responded that President Bush places a strong emphasis on human rights and religious freedom. The United States and China need to work together on these matters. The Ambassador cautioned that recently we have seen less rather than more cooperation, and that, without movement, we risk having human rights become a bigger problem in the bilateral relationship. In this vein, we are focused on results and actions, not just dialogue, the Ambassador added. He also raised the case of LPR Wu Hao and China-Vatican relations. DG Wu raised the Dalai Lama and recent actions in the U.S. Congress that he termed "anti-China." End Summary.

Ambassador Urges Progress

¶2. (C) The Ambassador opened by saying he was coming in on instructions to deliver a tough demarche on human rights. In addition to the points included in Ref A, the Ambassador:

- raised the case of U.S. Permanent Resident filmmaker Wu Hao, noting that Wu disappeared February 22 and has been denied access to his family or a lawyer for more than three months without criminal charges, and
- urged China to promptly reschedule the visit to China of Archbishop Celli from the Vatican.

DG Wu's Response

¶3. (C) DG Wu presented a lengthy response. He opened by lauding the recent round of China's human rights dialogue with the European Union, adding that in line with the spirit of those discussions, the best way to handle human rights issues is on the basis of equality and mutual respect. He said the United States should recognize the improving human rights landscape in China and take note that China is "making constant progress." He cited the 11th Five Year Plan as evidence that human rights gains are being enshrined in law, specifying that the Plan includes measures, such as alleviation of agricultural taxes and arbitrary school fees, that relieve economic pressure on the rural poor. In addition, reform of the judicial system, specifically regarding administrative proceedings, continues apace. DG Wu said human rights education in primary and middle school constitutes another bright spot.

¶4. (C) China is continuing its human rights dialogues with many countries, DG Wu said. For example, in June, two State Secretaries from Norway will come to China to conduct rights talks. The Norwegian officials will then travel to Tibet and Xinjiang. In this context, DG Wu condensed China's overall approach to human rights into three points. The Chinese Government 1) attaches great importance to human rights issues, 2) is ready and willing to conduct

exchanges and cooperate on human rights issues on the basis of equality and mutual respect and 3) wants to avoid confrontation and prefers exploring cooperative avenues to resolving differences on human rights.

Individual Cases a Headache for MFA

15. (C) Turning to individual cases, DG Wu said China is a country ruled by laws and has an independent judiciary. As such, the habit of some foreign countries of frequently expressing concern and asking China to take action on specific cases is not in line with the principle of rule of law, DG Wu said. This was a cause for complaint from his counterparts from Chinese judicial and law enforcement agencies who had accompanied him to the rights dialogue with the EU. To some extent, the regular expression of U.S. concern about individual cases disrupts the judicial process in China and also causes trouble for the Foreign Ministry, DG Wu related. For example, some of the cases the United States asks for information on involve people with complex ethnic names. Locating such a person often takes extra time and effort. "So on one side, I get complaints from the United States, and on the other, I get complaints from other Chinese government organs," DG Wu complained. In sum, China hopes that the United States will respect the independence of the Chinese judiciary. "We hope the U.S. side will stop using individual cases to interfere in China's internal affairs," DG Wu said.

Vatican

16. DG Wu said China has previously agreed to a "secret" visit from Archbishop Celli in the Second Quarter of 2006. He said that recent events (note: he was referring to the dispute over the ordination of bishops in Mainland China without the Vatican's official sanction) have made such a visit not suitable for the time being. Nonetheless, China remains committed to improving relations with the Vatican, DG Wu stated, blaming the Vatican for being unresponsive to China's efforts in this area. He recited the prerequisites that Chinese officials have repeatedly outlined for improving ties with the Holy See, namely that the Vatican a) must sever ties with Taiwan and b) commit to non-interference in China's internal affairs.

USG Sees Little Cooperation

17. (C) The Ambassador underscored that the U.S. commitment to human rights goes beyond the State Department or individual Non-Governmental Organizations. President Bush himself attaches great importance to these issues and never meets with President Hu without raising them. The Ambassador stressed that a key element of rule of law is transparency. Accordingly, China's lack of responsiveness to our requests for information concerning specific cases is incomprehensible. We can appreciate the difficulty of finding information about some cases, but the ones we raise are generally high-profile and well-known. Some of the cases we raise involve individuals being held in contravention of Chinese law. Previously the Chinese side told the United States that if we took a cooperative and non-confrontational approach to China regarding human rights, then we would see increased collaboration and openness. We have been cooperative, but now we are receiving less, not more, cooperation from the Chinese side, the Ambassador emphasized.

18. That the EU and China had a good human rights dialogue session is positive, the Ambassador said.

The United States, however, continues to be focused on actions, results and productive movement, not just dialogue. The Ambassador warned DG Wu that if we do not cooperate, human rights risks becoming even a bigger problem in the bilateral relationship.

Criticism of Congressional Measures

¶9. (C) DG Wu contended that the Chinese side has been responsive on human rights matters, noting that the MFA provided a prompt answer to the United States' Six Steps for the Hu visit. In fact, in DG Wu's view, it is the United States that has not been responsive. China still awaits our comments on its Four Points, which the MFA passed to us in April (Ref B). (Note: We have to date deemed it inappropriate to respond because the Four Points, involving steps the United States should take to ensure a more productive human rights relationship with China, do not, in our view, merit serious consideration. End note.)

¶10. (C) DG Wu said that now that he had listened to our complaints, he wanted to raise several of China's complaints. First on the list was the prospective awarding of a Congressional Medal to the Dalai Lama. Recapping points Chinese officials have made to us often on the subject, DG Wu contended that the Dalai Lama is not just a religious figure but is a political one as well who is committed to splitting China and achieving Tibetan independence. By viewing the Dalai Lama as purely a religious figure, the United States Government only sees one side of the story. The Chinese Government hopes the Administration can express opposition to Congress' action and exert its influence to ensure that the award never transpires.

¶11. (C) In a similar vein, DG Wu complained about three recent resolutions in the House International Relations Committee that he described as anti-China, including one on religious freedom, one commemorating the 17th anniversary of the crackdown on Tiananmen Square and one on illegal ordination of bishops in China. DG Wu argued that China's social, political and economic progress since 1989 vindicated the Central Government's actions and showed that stability is the most important factor in safeguarding citizens' human rights. He asked that the U.S. Administration do what it can to stop the momentum of these Congressional measures, which could damage bilateral relations.

¶12. (C) The Ambassador rejected DG Wu's arguments on the Dalai Lama. We view the Dalai Lama as a Nobel Peace Prize laureate and deeply respected religious figure. As for Congressional actions, the Ambassador reminded DG Wu about the principle of separation of powers. DG Wu said that, as he had spent four and a half years in the United States, he understands the limited influence the Executive Branch has on the Legislative Branch in some situations. The Executive should prevail when the national interest is at stake, he asserted.

RANDT